United Nations S/AC.43/2010/4

Security Council

Distr.: General
23 April 2010

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 20 April 2010 from the Permanent Mission of Brazil to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Brazil to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and has the honour to submit the enclosed report on the implementation of resolution 1896 (2009) (see annex).

10-35074 (E) 060510

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Annex to the note verbale dated 20 April 2010 from the Permanent Mission of Brazil to the United Nations addressed to the Chairman of the Committee

Federative Republic of Brazil

National report on the implementation of Security Council resolution 1896 (2009)

On 8 April 2010, the President of the Federative Republic of Brazil, in use of the competence established in article 84, IV, of the Brazilian Constitution, signed Decree 7.149/2010,* which incorporates Security Council resolution 1896 (2009) into the national legislation. Decree 7.149/2010 was published on 9 April 2010 and entered into force immediately. Its annex contains a complete transcription of Security Council resolution 1896 (2009).

According to article 1 of the above-mentioned Decree, all national authorities are obliged to implement the measures set forth in resolution 1896 (2009), pursuant to the criteria previously established in Security Council resolutions 1596 (2005), 1649 (2005), 1698 (2006), 1771 (2007), 1804 (2008), 1807 (2008) and 1857 (2008), which were incorporated into national legislation through Decrees 5.489/2005, 5.696/2006, 5.936/2006, 6.358/2008, 6.569/2008, 6.570/2008 and 6.851/2009.

* The legal text referred to is on file with the Secretariat and is available for consultation.

United Nations S/AC.43/2010/5

Security Council

Distr.: General
27 April 2010

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 26 April 2010 from the United States Mission to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the United States of America presents its compliments to the Chair of the Committee and has the honour to enclose the report of the United States on the implementation of the sanctions, as requested by the Security Council in its resolution 1896 (2009) (see annex).

10-33388 (E) 300410

Please recycle

Annex to the note verbale dated 26 April 2010 from the United States Mission to the United Nations addressed to the Chairman of the Committee

Report of the United States on the implementation of sanctions imposed by the Security Council in its resolutions 1493 (2003), 1533 (2004), 1807 (2008), 1896 (2009) and other related Council resolutions

Arms embargo

The United States complies with the arms embargo on the Democratic Republic of the Congo imposed by the Security Council in its resolution 1493 (2003) and modified in subsequent resolutions, including resolution 1807 (2008). In accordance with paragraph 5 of resolution 1807 (2008), the United States notifies the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo (hereafter "the Committee") in advance of any shipment of arms and related materiel, or any provision of assistance, advice or training related to military activities in the Democratic Republic of the Congo.

The export controls of the United States are implemented through the Arms Export Control Act and the International Traffic in Arms Regulations. The United States munitions export control system is designed to deny adversaries and parties, whose interests are inimical to those of the United States, access to United States-origin defence equipment and technology. This function is administered by the Directorate of Defense Trade Controls, United States Department of State. The export control process is closely regulated and excludes the participation of embargoed and other ineligible parties in United States defence trade.

The United States takes the necessary measures to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct supply of technical assistance or training, financial and other assistance, including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment to the individuals and entities operating in the Democratic Republic of the Congo. The United States requires all United States persons that manufacture or export defence articles, furnish defence services, or United States and foreign persons engaged in arms brokering to register with the Department of State. The Department of State must approve a licence application prior to the export of defence articles or defence services. A review of all parties to the proposed transactions, including end-users, is made against a "Watch list", which includes individuals and entities designated by the United Nations sanctions committees. Pursuant to the United States Arms Export Control Act, arms export control violations, including provision of defence equipment and technology to ineligible persons and associate persons, are subject to strict criminal and civil penalties. Criminal penalties may include a jail sentence of 10 years and/or $1 million for each violation. Possible civil penalties include debarment from participation in United States defence trade and monetary penalties of up to $500,000 per violation.

Asset freeze

All States Members of the United Nations are to immediately freeze the funds, other financial assets and economic resources, which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or under their direction, or by entities owned or controlled by them, as designated by the Committee. States Members are also to ensure that no funds, financial assets or economic resources are made available to, or for the benefit of, designated individuals and entities by their nationals or by any individuals or entities within their territories. The United States may authorize the release of frozen assets in certain compelling circumstances.

The United States is able to implement the asset freeze pursuant to presidential authorities under the Constitution and the laws of the United States of America, including Executive Order 13413, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c), and section 301 of title 3, United States Code.

Travel ban

Under the applicable provisions of the Immigration and Nationality Act, the United States is authorized to take the measures necessary to prevent the entry into or transit through United States territories of individuals designated by the Committee, provided that the individuals are not nationals of the United States. Travel exemptions will be considered if the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or if it will further the objectives for the creation of peace and stability in the Democratic Republic of the Congo and the region, or if the United States is obliged to permit the travel pursuant to the United Nations Headquarters Agreement.